

Honorable Timothy W. Dore  
Hearing date: August 22, 2014; 9:30 a.m.  
Hearing Place: Room 8106, 700 Stewart Street, Seattle, WA 98101  
Responses due by: August 15, 2014; by 4:30 p.m.

IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In re: ) Chapter 7  
) Bankruptcy No. 14-10679  
KELLEE R. THOMPSON, )  
)  
Debtor(s). ) NOTICE OF MOTION FOR SALE OF  
) REAL PROPERTY OF THE ESTATE  
) FREE AND CLEAR OF LIENS AND  
) ENCUMBRANCES

TO: Kellee Thompson, and her attorney of record, creditors, and parties of interest.

PLEASE TAKE NOTICE that the Motion for Sale of Real Property of the Estate Free and Clear of Liens and Encumbrances will be heard on the 22<sup>nd</sup> day of August, 2014, at 9:30 a.m., at the United States Courthouse, 700 Stewart Street, Seattle, Washington, in Room 8106, and the clerk is requested to note the motion on the motion docket for that day.

YOU ARE FURTHER NOTIFIED that responses or objections must be made in writing and the original filed with the Bankruptcy Court at the United States Courthouse, Room 6301, 700 Stewart Street, Seattle, Washington 98101. Copies must be served upon the United States Trustee's Office at the United States Courthouse, Room 5103, 700 Stewart Street, Seattle, Washington 98101, the above-named Judge and the undersigned attorney on or before August 15, 2014. Failure to comply with the local rule may be deemed by the court as opposition without merit. If responsive pleadings are not filed as stated above, the hearing may be stricken and an order granting the relief requested in the motion may be presented *ex parte*.

The trustee, Nancy James, has filed a motion for sale of real property as follows:

Street address of property to be sold:	12928 - 64 <sup>th</sup> Avenue S.E. Snohomish, WA 98296
Legal description of property to be sold:	Lot 131, Snohomish Cascade Sector 3 - Phase 2, Recording No. 9802115003, Snohomish County, Washington
Parcel No.:	008772-000-131-00
Sale price:	\$240,000.00, or such higher price as the parties agree to in order to close the short sale
Terms of sale:	Cash at Closing
Purchaser: Purchaser's address:	IH4 Property Washington, LP, and/or assigns 16400 S.E. 30 <sup>th</sup> Place, Suite 100 Bellevue, WA 98007

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Seattle, WA 98101  
(206) 441-0826

Costs of sale:

The estate will pay the real estate agent a commission of 6% of the gross sales price or such lesser amount as the agents shall agree to; and, the estate will pay those costs of sale customarily paid by the Seller in Western Washington. These costs would include, but are not limited to, title insurance, real estate taxes due through the date of sale and one-half of the escrow costs.

Utility Liens

In many cases the existence of a utility lien and/or the amount of the lien is unknown until closing or thereafter. These liens usually, but not always, are equal to the utilities bills incurred over several months. These liens will be addressed at closing.

Encumbrances & approximate claim amounts:

- (1) Ocwen Loan Servicing, as servicer for or successor to IndyMac Bank, FSB, deed of trust - \$263,000; and
- (2) Citimortgage, Inc., as servicers for or successor to IndyMac Bank, FSB, deed of trust - \$33,000.

Said sale will be free and clear of all liens and interests, said liens and interests to attach to the proceeds of the sale as though those proceeds were the property, said liens and interests to be satisfied from those proceeds. Notwithstanding the foregoing, the trustee requests the authority to pay the above named secured creditors, in the order of their liens to the extent funds are available.

This is a short sale. The sale is subject to the approval of Ocwen Loan Servicing, its servicers or agents ("Ocwen"). There will be insufficient funds to make a distribution to secured creditors of a lower priority than Ocwen. The trustee will negotiate the terms of the short sale with Ocwen; however, the terms of that sale are unknown at this time. The trustee will negotiate a buyer's premium/carve out of at least \$20,000. Of that amount, at least one half shall be disbursed to pre-petition unsecured creditors. If those creditors are paid in full, any remaining funds may be available for administrative expenses. Should the buyer be unable to close the sale, or should the trustee receive an offer she believes is better for the estate, the trustee reserves the right to, rather than treating the funds to the estate as a buyer's premium, negotiate a carve out with the secured creditor under Section 506(c) of the Bankruptcy Code.

The trustee believes and therefore alleges that the purchaser is a good faith purchaser for value.

DATED this 28<sup>th</sup> day of July, 2014.

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/s/ Rory C. Livesey

Rory C. Livesey, WSBA #17601  
Of Attorneys for Trustee

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